



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3005738
Applicant Name: Alex Seymen for Kevin Knoepp and Mary Williams
Address of Proposal: 600 Wellington Ave

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an addition to an existing single family residence. Addition to include an approximately 432 square foot, one car garage and storage area at ground level and an additional 258 square feet of living area at the second level (above the garage).

The following approval is required:

- **Variance** - to allow curbcut to exceed maximum width from 10’ to 12’ (Seattle Municipal Code Section SMC 23.54.030F).
- **Variance** - to allow reduced distance between curbcuts from 30’ to 23.3’ (Seattle Municipal Code Section SMC 23.54.030F).
- **Variance** - to allow less than the required front yard from 11.3’ to 2.25’ (Seattle Municipal Code Section 23.45.014.A).
- **Variance** – to allow parking in the required front yard ((Seattle Municipal Code Section 23.44.016.C2).

SEPA DETERMINATION: Exempt DNS MDNS EIS

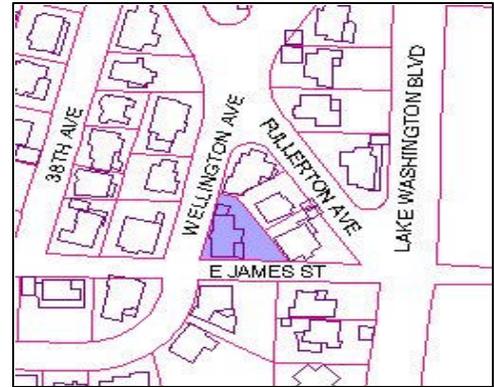
DNS with conditions

DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

The site is located on a triangular block bounded by Wellington Avenue to the west, Fullerton Avenue to the north and East James Street, which is an undeveloped right-of-way, to the south. The site is zoned Single Family 5000 (SF 5000). Zoning on the adjacent properties to the north, south, east and west are also zoned SF 5000. The site area is approximately 5,321 square feet.

Current adjacent uses are generally developed to the current zoning capacity. The subject block contains four single family houses.



The site is currently occupied by a single family residence. There is no alley access to the site. There are two trees (5" Pear Tree and an 18" Cherry Tree) located towards the north corner of the site. A portion of the site along the eastern property line is designated as an Environmentally Critical Area for Steep Slopes and Potential Slide Area. A fifteen foot buffer from the top of the steep slope area has been provided and all work is proposed to occur outside of this buffer area.

Proposal

The proposal is to allow the construction of a two story addition to an existing single family structure. The addition would include a garage at the ground level and an approximately 64 square foot encroachment at the second level. A portion of the proposed addition will be in the required front yard. The proposed garage would provide parking, partially located in the front yard, as well as a 12 foot curbcut, which is larger than the ten foot maximum allowed by Code. Finally the distance between the proposed curbcut and the existing curbcut to the south is 23.25 feet, less than the 30 foot minimum. The two story addition includes a garage at the ground level wthat would accommodate one vehicle and a master bathroom would occupy the second level. The total height of the proposed addition would equal 28 feet, to match the existing ridge line.

Public Comments

Three comments were received during the comment period which ended on December 13, 2006. The following comments were offered:

- Object to the proposed addition because of the elimination of trees, obstructing the street during construction and blocking the view from the house across the street. The existing house already has a garage and drainage is already problematic in the neighborhood.
- Support for the proposed addition because it will create more parking thereby reducing the number of vehicles parked on street.
- Additional parking will provide needed relief from congested parking conditions.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

Unusual conditions, which were not created by the owner, would prevent an addition to be located outside of the front yard due to the steep slope topography and unusual triangular shape of the site. Therefore, the only remaining space available that could accommodate an addition to the existing structure and avoid disturbance of the critical area is to the north of the existing structure; however, due to the steep slope, this cannot be achieved without extending into the required front yard. The addition of a garage could only occur from the street at this location. This condition, in conjunction with the access standards prescribed by the Code to ensure maneuverability, forces the curbcut location and width to the proposed position to allow access to the proposed garage. In general, preservation of the steep slope and its buffer along the northeastern portion of this site obviates the possibility for any structural expansion in keeping with the façade of the existing structure without encroaching into the front yard.

Thus, the strict application of the Land Use Code under these conditions would prevent the enjoyment of normal land use privileges allowed in the same zone and vicinity.

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

Providing an enclosed addition for one parking stall helps screen the views of a car from the sidewalk and does not go beyond the minimum necessary to afford relief. Most of the parking provided for residential uses in the immediate vicinity is accommodated in enclosed and/or covered structures. Due to the location of the existing structure on the unusually shaped site, steep topography and spatial limitations of the property, the proposed addition would not be able to provide a conforming garage. Additionally, the original proposal was for the construction of a two car garage, which has been reduced to a one-car garage with a 12 foot wide door. Furthermore, the original proposal included a full second story addition directly above the proposed garage encroaching into the front yard. The design has been revised to pull the entire second story back to the conforming front yard line, with the exception of two corner areas totaling approximately 64 square feet; one to allow access to the addition without compromising the location of the chimney and the second, to help complete the architectural lines in a manner compatible with the rest of the house. These adjustments were made precisely to respond to the minimum change necessary to afford relief, while remaining consistent with the surrounding context.

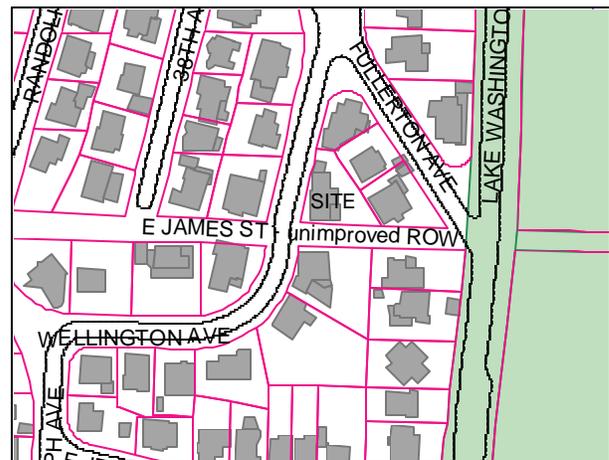
The slightly wider curbcut and reduced distance between curbcuts is also a function of the unusual property shape and topography. Wellington Avenue is sloped and curved making vehicular access to the site more challenging. The increased width and location have been designed to accommodate the necessary turning movements into and out of the site. Given that the garage size has been reduced for a single vehicle with a 12 foot door, as well as the reduction of the second story above to be nearly conforming to the yard standards, the proposed addition is the minimum necessary to afford relief and does not constitute a special privilege. In summary, no special privilege would be accorded by granting any or all of the variances.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The construction of the addition encroaching into the front yard and proposed curbcut configuration would not be injurious to any properties in the vicinity and would not be detrimental to public welfare. No detrimental impacts to public welfare are anticipated beyond the construction. The standards of the Noise Ordinance will regulate the noise levels generated by the proposed residential use at this site. The *de minimus* amount of additional building bulk of the addition is not anticipated to be materially detrimental to any adjacent property or improvement. As such, no further conditioning is necessary.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The existing subject structure has a front yard of 2.25 feet. The neighboring house to the north has a front yard of 2.6 feet. This site is bordered by East James Street, an unimproved right-of-way to the south. This is an unusual right of way in that it is undeveloped and contains a stairwell with heavy vegetation on either side connecting Wellington Avenue with Fullerton Avenue. The structure beyond this unimproved right of way has a front yard of approximately 2 feet. *See map at right.*



The front yard averaging requirement is based on the average of the properties on both sides. In the case where a property abuts a street, one assumes the maximum dimension of 20 feet for the right of way in order to calculate the required front yard. The concept of having structures set back on corner lots to provide a gradual transition between the open street and the block face does not apply in this case and presents a hardship whereby the required front yard for the subject site is technically 11.3 feet, the average between the 20 foot right of way condition to the south and 2.6 foot front yard to the north. Moreover, if the front yard of the structure just beyond the right-of-way to the south was used in the front yard averaging calculation, the front yard

requirement would be significantly less (2.3 feet rather than the 11.3 feet required). Thus, the proposed encroachment into the front yard is reasonable and at 2.3 feet, is less than would be allowed if the front yard of the next structure to the south were used to calculate the front yard.

Given these unusual site and right-of-way conditions, the literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship in terms of establishing the front yard (ability to expand the existing structure and to contain parking within this addition), as well as the curbcut width and location.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the intent and purpose of the Code is to assure compatibility of uses within a zone and preservation of neighborhood character. The spirit and purpose of the front yards, curb cut dimensions and parking location are intended to create consistency along a street edge and reduce the presence of the automobile along the street front. In this unique situation, the property is effectively wedged on a triangular shape site, between a curved street front to the west and a steep slope to the east. Many of the properties along this side of the street are confronted with similar circumstances and the houses have been developed much closer to the front property lines than is typical. As such, the proposed addition is compatible with the existing neighborhood context and is consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

DECISION - VARIANCE

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist. Each of the requested variances is **APPROVED.**

CONDITIONS – VARIANCE

None.

Signature: _____ (signature on file) Date: May 24, 2007
Lisa Rutzick
Land Use Planner

LR:bg

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